

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

LELAND D BOOTHE,

Plaintiff,

VS.

NATHANIEL QUARTERMAN,

Defendant.

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CIVIL ACTION NO. C-06-221

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**  
**ON RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**


On September 11, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 76) be denied and that an evidentiary hearing be held to determine whether petitioner is entitled to equitable tolling of the Antiterrorism and Effective Death Penalty Act limitations period. On September 25, 2007, respondent filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and respondent's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is denied and Magistrate Judge Brian L. Owsley shall set this matter for an evidentiary hearing to determine whether petitioner is entitled to equitable tolling of the Antiterrorism and Effective Death Penalty Act limitations period.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 5th day of October, 2007.

  
Janis Graham Jack  
United States District Judge